

JOURNALS OF THE SENATE,  
IN  
EXECUTIVE SESSION.

FIRST LEGISLATURE.

SENATE CHAMBER, }  
Monday, March 2nd, 1846. }

EXECUTIVE SESSION.

Roll called, and a full Senate.

On motion of Senator Williamson, the following communication from His Excellency the Governor was taken up:

EXECUTIVE DEPARTMENT, }  
City of Austin, Feb. 21st, 1846. }

*To the Honorable,  
The Senate:*

The Executive respectfully submits to the Honorable Senate, the following nominations, viz.:

Hon. JOHN HEMPHILL, Chief Justice Supreme Court.  
Hon. A. S. LIPSCOMB, Associate Justice Supreme Court.  
Hon. R. T. WHEELER, Associate Justice Supreme Court.  
J. PINCKNEY HENDERSON.

Senator Williamson moved the confirmation of John Hemphill as Chief Justice.

*Yeas.* Senators, Bagby, Bourland, Burleson, Cuney, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Navarro,

Parker, Phillips, Robinson, Scott, Wallace, Williams, Williamson and Wood—21.

So the nomination was unanimously confirmed.

Senator Williamson moved the confirmation of A. S. Lipscomb as Associate Justice.

*Yeas.* Senators, Brashear, Burleson, Cuney, Grimes, Hogg, Kinney, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Scott, Wallace, Williamson and Wood—17.

*Nays.* Senators, Bagby, Bourland, Jewett and Williams—4.

So the nomination was confirmed.

Senator Parker moved the confirmation of R. T. Wheeler as Associate Justice.

*Yeas.* Senators, Burleson, Cuney, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Navarro, Parker, Phillips, Scott, Wallace, Williamson and Wood—15.

*Nays.* Senators, Bagby, Bourland, Brashear, Miller, Robinson and Williams—6.

So the nomination was confirmed.

The following communication was taken up:

EXECUTIVE DEPARTMENT, }  
City of Austin, Feb. 21st, 1846. }

*To the Honorable*

*The Senate:*

The Executive respectfully submits for the advisement and consent of your Honorable body, the nomination of Hon. Volney E. Howard as Attorney General for the State of Texas.

J. PINCKNEY HENDERSON.

Senator Williams moved to lay the nomination on the table until to-morrow.

*Yeas.* Senators, Brashear, Burleson, Parker, Phillips and Williamson—5.

*Nays.* Senators, Bagby, Bourland, Cuney, Grimes, Hogg, Jewett, McNeel, Miller, Navarro, Robinson, Scott, Wallace, Williams and Wood—14.

Lost.

Senator Williamson moved the Senate adjourn until to-morrow, 10 o'clock, A. M.

*Yeas.* Senators, Brashear, Burleson, Kinney, Parker, Phillips and Williamson—6.

*Nays.* Senators, Bagby, Bourland, Cuney, Grimes, Hogg

Jewett, McKinney, McNeel, Miller, Navarro, Robinson, Scott, Wallace, Williams and Wood—15.

Lost.

Senator Kinney moved to adjourn until to-morrow, 10 o'clock,

A. M.

Yeas. Senators, Brashear, Burleson, Kinney, Phillips and Williamson—5.

Nays. Senators, Bagby, Bourland, Cuney, Grimes, Hogg, Jewett, McKinney, McNeel, Miller, Navarro, Parker, Robinson, Scott, Wallace, Williams and Wood—16.

Lost.

Senator Kinney moved to lay the nomination on the table until Thursday next.

Yeas. Senators, Brashear, Kinney and Williams—3.

Nays. Senators, Bagby, Bourland, Burleson, Cuney, Grimes, Hogg, Jewett, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Scott, Wallace, Williamson and Wood—18.

Lost.

Question on the confirmation.

Yeas. Senators, Brashear, Burleson, Grimes, Kinney, McKinney, McNeel, Navarro, Parker, Phillips and Williamson—10.

Nays. Senators, Bagby, Bourland, Cuney, Hogg, Jewett, Miller, Robinson, Scott, Wallace, Williams and Wood—11.

So the nomination was rejected.

On motion, Executive session was closed,

SENATE CHAMBER, }  
March 23, 1846. }

### EXECUTIVE SESSION.

Roll called, and the Sergeant-at-Arms despatched for absent members.

Returned, and on motion of Senator Grimes, Senator Scott was excused from attendance.

The following communication from the Governor was read:

EXECUTIVE DEPARTMENT,  
Austin, March 20, 1846 }

*To the Honorable,  
The Senate :*

The Executive herewith respectfully submits for the action of your Honorable body, the nomination of DAVID G. BURNETT as Secretary of State of the State of Texas.

J. PINCKNEY HENDERSON.

On motion, the nomination was taken up.

On its confirmation, the vote stood thus:

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Coney, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Parker, Phillips, Robinson, Wallace, Williams and Wood—19.

*Nays.* 0.

Unanimously confirmed.

The Senate proceeded to other business.

SENATE CHAMBER,  
TUESDAY, April 14, 1846. }

### EXECUTIVE SESSION.

Roll called, and a full Senate.

The following communication from His Excellency the Governor, was read.

EXECUTIVE DEPARTMENT,  
Austin, April 13, 1846. }

*To the Honorable Senate:*

The Executive respectfully submits for the action of your Honorable body, the following nominations:

Judge of the 1st Judicial District—JAMES LOVE.

" " 4th " " M. P. NORTON.

" " 5th " " O. M. ROBERTS.

" " 7th " " JOHN B. JONES.

" " 8th " " JOHN T. MILLS.

J. PINCKNEY HENDERSON.

On motion, the nominations were taken up in order.  
 James Love Judge 1st District.  
 Senator Miller presented the following communication:

GALVESTON, 25th February, 1846.

Honorable J. A. Greer,  
*Secretary Treasury:*

SIR—I have the honor to acknowledge the receipt of your favor of 11th inst, and agreeably to your instructions therein, I made the demand of the Clerk of the District Court for the amount of the judgment obtained in the Anna Maria case. His answer was, "no money in Court." It appears that the amount had been stipulated for and obtained some four or five years since—James Love of this place, and Alexander McDonald of Montgomery county, were the securities. Love and Tod Robinson, as I understand, received the proceeds some few days previous to this; and upon receiving from the Honorable Secretary of State, (Col. Allen) instructions, together with the action of the Supreme Court in the matter, I desired the Clerk to issue an execution and place it in the hands of the Sheriff, that he might make an immediate levy upon Love's property, which he refused to do; However upon receiving your instructions, and upon advisement by my Attorney, he agreed to do so; but upon examination he found he had lost the papers received from the Clerk of the Supreme Court.

[Signed]

JAS. H. COCKE,  
*Collector.*

I certify that the above is a correct copy of the original on file in the Comptroller's office.

JAMES B. SHAW,  
*Comptroller.*

COMPTROLLER'S OFFICE, {  
 April 12th, 1846. }

I certify that the account of Jas. Love on the books of the Stock office, is in such a situation that I cannot say how his account stands.

JAMES B. SHAW.  
*Comptroller.*

Which being read—on motion of Senator McKinney, the nomination was laid on the table, and a committee appointed

to examine the books of the Comptroller relative to the charge, and report to the Senate.

Senators McKinney, Bagby, Miller, and Williams, were appointed said committee.

M. P. Norton, Judge of 4th District.

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Cuney, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Navarro, Parker, Phillips, Robinson, Wallace, Williams, Williamson and Wood—19.

*Nays.* Senators Miller and Scott—2.

Senator Scott presented the following protest, which was ordered to be spread upon the Journals.

*To the Honorable Edward Burleson,  
President pro tem. of the Senate:*

The undersigned, having voted against the nomination of the Hon. M. P. Norton as Judge of the fourth Judicial district, begs leave to submit the following reasons and considerations for the course which he has felt himself bound to take, and prays that the same may be entered upon the journals of the Senate.

The undersigned regards the nomination as having been objectionable for two powerful considerations, which he will endeavor to discuss in their order. In the first place, a fair and legitimate construction of the Constitution, will not, in his opinion, sustain the nomination.

The fact of non residence of the nominee in the district over which his appointment was sought to be made, was not disputed, and is placed beyond a doubt, by the fact of his holding at that time, the office of Judge of the sixth Judicial district, and being in the exercise of all the rights of citizenship in the county of Montgomery.

The undersigned is of opinion that the Constitution contemplates an actual residence of the person in the district, county, city or town, over which he is appointed, not only subsequent to but at the time of appointment.

The primitive and substantive right of suffrage would appear a necessary qualification to any office whatever.

The 9th section of the 7th article of the Constitution, provides that "all civil officers shall reside within the State; and all district or county officers within their districts or counties."

This provision evidently covers the case of residence of officers after election or appointment. If it had been intended to

provide for residence after appointment or election, this would have been all sufficient and might have raised a rational doubt even as to prior residence. But the Constitution, through abundant caution, in the section fixing the appointment of a Judge to each district, again uses the qualification of residence, in connection with the appointment. This provision is in the 3th section of the 4th article of the Constitution, to wit: "For each district there shall be appointed a Judge, who shall reside in the same, &c." Now if the section first quoted covers the whole ground of residence after appointment, then it is but a fair construction to limit the last section to residence at the time of appointment, or at least to extend to it the full bearing of the language used, which would cover that time. A different rule would render one or the other section nugatory, as they would then mean precisely the same thing, a rule never adopted in construing constitutional law, when any other is practicable.

The inconvenience and uncertainty of a rule is frequently appealed to in aid of construction. The rule here contended for is consistent and harmonious, and gives effect to every part of the instrument.

The contrary rule renders nugatory one or the other provision of the Constitution, and leaves unsettled an important political principle.

But we are not forced to rest the question here even, although it is believed that it might be safely done. The 11th section of the 7th article of the Constitution, provides that "absence on the business of this State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage or of being elected or appointed to any office under the exceptions contained in this Constitution." That is, reversing the proposition, any other kind of absence than the two instances specified, "shall" forfeit "a residence once obtained," and as a consequence, deprive "any one of the right of suffrage, or of being elected or appointed to any office," under the exceptions mentioned in the Constitution. The undersigned has in vain searched for any such exceptions in favor of the appointment of district Judges; and he has been equally unable to arrive at any rational rule, that would save the present case from the disqualification. Will it be seriously contended that actual residence in one district for several years—the exercise of an important office—and the frequent exercise of the right of suffrage itself, does not deprive a person of the exercise of the same rights in another distinct district?

The right of suffrage and eligibility to office are used in the

same sentence, and made to hang upon the same fact of residence.

Now by reference to the first section of the third article of the Constitution, we will find *this residence* clearly set down and defined. It is "twelve months in the State and six months within the district, county, city or town," in which he offers to vote.

The undersigned hopes he will be pardoned for asking in this place, if the nominee had this qualification? Was he entitled, at the time of his appointment, or will he be entitled until after six months residence, to vote for a single district county, city or town officer, within the district to which he is appointed? Is he eligible to the office of Constable or Justice of the peace in any portion of his district? What could be the policy, not to say constitutionality, of an exercise of power, over officers with whom he would be placed in so unfavorable a point of comparison? The undersigned cannot believe that a principle of construction, involving an absurdity so glaring and monstrous as the one here developed, could have been contemplated by the wise framers of our Constitution.

He cannot bring himself to the opinion that it ever was contemplated to fasten upon a reluctant and dissenting people, a high Judicial officer, who could not, at the time of appointment have constitutionally asked their suffrages, for even the office of a Justice of the the peace.

The converse of the rule of construction here contended for, would involve the absurdity of rendering all qualified electors in the State, eligible to the office of district Attorneys, Clerks, Sheriffs, and all other officers, created under the head of the Judiciary, indiscriminately, without regard to their place of residence.

In fact, the principle will just as well cover the appointment of Judges of the Supreme Court, or Attorneys General from a different State of the Union, as the appointment of a district Judge or district Attorney, to a district in which they could not exercise the right of suffrage. The principle is so well settled in public opinion, that it is a great matter of surprise that it should ever have been contested. It is one of those truisms, that custom and habit has so far fixed in the public mind, as to render it extremely unwise and unsafe to attempt its subversion.

The undersigned would merely allude to the election of district Attorneys at the present session of the Legislature. Out of eight Attorneys elected, and from twenty odd candidates put



in nomination, not one was suggested beyond the district of his residence.

But we will now suppose the Constitution silent on this head, and that this principle was to be settled by the case under discussion. In this view of the subject, the undersigned cannot but believe that the great and eminent evils likely to result from the precedent, would alone justify his conduct.

It appears to him to remove the only Constitutional barrier to the most unlimited favoritism in the Executive. The principle of appointment by the Executive, extensive as it is under our Constitution, aided by this precedent, gives to the Governor an influence and patronage, inconsistent with sound principles of Republicanism. It is to be expected that in the progress of our government, parties will arise, actuated by all those powerful motives and feelings, incident to political excitements. It is a fact, indisputable, that we have the elements of discord and party feeling more deep seated in the character of our mixed population, than either of the States of the union. A population like ours, brought together from the four corners of the globe, and not yet harmonized into one consistent whole, not yet nationalized, but existing only in its elementary principles. A population of this class is peculiarly subject to the feelings and passions, incident to ignorance and prejudice. It cannot be denied that even at this time, a division of the Anglo-Saxon portion of the population into two parties nearly equal, would give the balance of power to a third party, alike ignorant of our institutions and indifferent to our interests. Would not the exercise of the principle involved in the present case, furnish one of the strongest means of influencing such a result? And who will deny that there are men ready to use such means when ever occasion shall offer? Can honorable Senators close their eyes to the fact, that the precedent set in this appointment, will justify appointments from opposite extremities of the country? From Corpus Christi to San Augustine, from Galveston to the Cross-timbers. The powerful curb of public opinion is withdrawn, and the motive of popular approbation destroyed.

The undersigned is unwilling to assist in the settling a principle pregnant with such difficulties and dangers. He is unwilling by his vote, to surrender the right of remonstrance against any effort hereafter, to fasten upon his constituents, an officer with whom they may be unacquainted, and who may be not even entitled to the primitive right of suffrage among them. Residing as he does, in the extreme eastern portion of the

State, he is the more unwilling to assist in making the extreme west the first victim to the principle.

He is unwilling at so early a stage in our domestic history, to place in the hands of passion and prejudice, so fair a pretext for retaliation.

He would, in conclusion, disclaim in the most positive manner any personal feeling or sectional prejudices towards the honorable gentleman receiving the appointment.

He takes pleasure in stating that he does now and has heretofore entertained a high personal regard for him, and had the nomination been for the district over which he has presided, it would have met his most cordial support. It is the principle alone against which he protests most solemnly, and prays that this protest be spread upon the journals of the Senate.

WM. T. SCOTT.

O. M. Roberts, - - - Judge of the 5th District.

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Cuney, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Scott, Wallace, Williams, Williamson and Wood—21.

*Nays.* None.

Confirmed unanimously.

John B. Jones, - - - Judge of 7th District.

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Cuney, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Scott, Wallace, Williams, Williamson and Wood—21.

Unanimously confirmed.

Executive session being concluded, the Senate proceeded to other business.

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SENATE CHAMBER, }  
Friday, April 17th, 1846. }

### EXECUTIVE SESSION.

Roll called, and a quorum present.

Senator Williams, one of the committee appointed to investigate the charges preferred against Jas. Love, made the following report.

COMMITTEE ROOM, }  
 April 15th, 1846. }

To the Hon. Edward Burleson,  
*President pro tem. of the Senate.*

A majority of the Special committee, to whom was referred the task of inquiring into certain charges against James Love of Galveston, who is now in nomination before the Senate, for the office of district Judge, in and for the first Judicial District of the State of Texas—have discharged that duty, and instructed me to report :

That from an examination of the Anna Maria case, as on file in the office of the Clerk of the Supreme Court, also the statement of M. P. Norton, (herewith presented) the committee cannot come to the conclusion that James Love is at fault in this transaction.

And that from an examination of the books of the late Stock Commissioner's office, together with the statement of the present Comptroller of the Treasury, that said Love never has been an officer in that office, and could not be charged with defalcation therein.

All of which is respectfully submitted.

Wm. M. WILLIAMS,  
*Chairman.*

APRIL 15th, 1846.

Hon. Wm. M. Williams :

DEAR SIR :—In reply to your note of this morning, asking me to furnish you with a written statement of all the transactions in the case of the Anna Maria, and in what manner Col. James Love is concerned therein. I can only say that I did not discover from the trial of the case, which was decided at the last term of the Supreme Court, that Col. Love was in any way concerned in it, nor did I ever hear until yesterday that such was the fact.

The Anna Maria was libelled in the Prize Court at Galveston and condemned and sold with her cargo, I think in 1840, by Alexander Moore in a suit in his own name, who claimed it for himself and all others concerned as captors—the amount of the sales was, I think, between five and six thousand dollars and the money was ordered to be paid into Court—the property was claimed by Mr. McGregor, American Consul at Yucatan, and an appeal was taken for him by his counsel, Tod Robinson

and John B. Love, to the Supreme Court, in which it remained depending until the last term, when it was decided. During this period a law was passed allowing *claimants* to property condemned and sold, as well as I now recollect, to take the money from the Register, on giving security for its repayment in case they did not prevail in their suits. Whether McGregor or under this law, gave the security and took the money, or whether it still remained in the hands of the Clerk of the Court never came to the knowledge of the Supreme Court by the papers in the case. I only know that it was stated by the counsel, I think on both sides, that only some two thousand dollars had been paid into the Court and that the balance was in the hands of the various agents concerned in the sale, and that the Auctioneer, Mr. Edmonds, retained some fifteen hundred dollars in his own hands, on the ground that the Government would be entitled to a portion of the prize money, and that he had claims against the Government on which he would allow it. If the Clerk of the Court paid the money to McGregor the *claimant*, under the law to which I have alluded, Col. Love may have become a security for it and be in that way liable for it; but of this I know nothing. Unless the Clerk paid the money to McGregor in the way provided by law, he is now liable for it to the Libellant, Moore, and the Government, although not a party to the record, will be entitled to a share in the distribution if it has not already received it through its agents. I think a Mr. Brenham, Navy agent, looked after the interests of the Government in the case and superintended and received a part of the proceeds of the sale. I do not see any way in which Col. Love could be concerned in the case unless as security for McGregor, and in the judgment which we rendered in the Supreme Court, I am sure he was not known, nor do I see any way by which he can stand liable to the Government in the case, which was prosecuted in the name of Moore, unless it be under that judgment.

I have made this statement entirely from my recollection of the case, but have no doubt it is substantially correct in point of fact.

With respect, &c.,

M. P. NORTON.

COMPTROLLER'S OFFICE, }  
 April 15th, 1843. }

*Hon. Wm. M. Williams,*  
*Chairman Select Committee, Senate :*

SIR:—Your note of this date, presents three questions which you wish me to answer, namely :

- 1st. How long have I been connected with the Government of Texas?
- 2nd. Has Col. Jas. Love of Galveston, ever been a receiver or collector of public money to my knowledge?
- 3rd. How far has said James Love been connected with the Stock Commissioner's office?

In answer to the first question, I have been connected with the Government since November or December, 1837, except three or four months in the winter of 1838, and two or three months in the winter of 1841.

In answer to the 2nd question, I reply that Col. Love has neither been receiver nor collector of public money to my knowledge, except as having been appointed agent by the Treasury Department—see answer to question 3rd.

In answer to the last question, I would remark that Col. Love was appointed by the Secretary of the Treasury, in the month of June, 1840, as an agent at Galveston, to receive from individuals, Promisory notes which might be presented for funding, and to forward the same to the Treasury department, but as appears by a letter from A. A. M. Jackson, then collector at Galveston, dated 29th June, 1840, Col. Love refused to act, and transferred his agency to said Jackson: his reason for so doing has not been given. Except this agency, he has had no official connection with the Stock office, nor any other, save that of an ordinary investor and holder of Texian Stock.

Yours, &c.,  
 JAMES B. SHAW,  
*Comptroller,*

On motion of Senator Miller, leave was granted him to withdraw the charges against James Love.

On motion, the nomination was taken up.

*Yeas.* Senators, Bagby, Bourland, Brshear, Burleson, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Navarro,

Parker, Phillips, Robinson, Scott, Wallace, Williams, Williamson and Wood—20.

*Nays.* None.

Unanimously confirmed.

The following communication from His Excellency the Governor, was read :

EXECUTIVE DEPARTMENT, }  
April 16th, 1846. }

*To the Honorable,*  
*The Senate :*

The Executive submits for action of your Honorable body, the following nominations :

Judge 2nd District,

Wm. E. Jones.

Judge 3rd District,

R. E. B. Baylor.

J. PINCKNEY HENDERSON.

Wm. E. Jones,

Judge 2nd District.

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Scott, Wallace, Williams, Williamson and Wood—20.

Unanimously confirmed.

R. E. B. Baylor,

Judge of 3rd District.

Senator Wood presented a communication in writing, signed by Hon. W. Dupree and others, protesting against the confirmation, which was read.

Senator Grimes moved to lay the nomination on the table.

Lost.

Question on confirmation.

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Wallace, Williams, Williamson and Wood—18.

Unanimously confirmed.

The following communication from his Excellency, was read:

EXECUTIVE DEPARTMENT, }  
Austin, April 17th, 1846 }

*To the Honorable,*  
*The Senate :*

The Executive respectfully submits the following nominations for a board of Pilots, for the ports of Aransas, Corpus

Christi, Brazos, Santiago and the mouth of the Rio Grande.  
 Wm. P. Aubrey,  
 Wm. Mann,  
 Samuel Treneman,  
 John Owens,  
 J. W. Moore.

J. PINCKNEY HENDERSON.

Yeas and nays taken on the confirmation of each, respectively, stood thus :

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Grimes, Hogg, Jewett, Kinney, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Scott, Wallace, Williams and Wood—19.

Unanimously confirmed.

The following communication from His Excellency the Governor, was read :

EXECUTIVE DEPARTMENT, }  
 April 17th, 1846. }

*To the Honorable,*

*The Senate :*

The Executive respectfully submits the following nominations for a board of Commissioners of Pilots, for the port of Galveston:

James Seymour,  
 L. W. Hitchcock,  
 Aaron Burns,  
 Samuel M. Williams,  
 J. T. Doswell.

J. PINCKNEY HENDERSON.

The yeas and nays being called on each nomination respectively, stood thus :

*Yeas.* Senators, Bagby, Bourland, Burleson, Grimes, Hogg, Jewett, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Scott, Wallace, Williams, Williamson and Wood—19.

Unanimously confirmed.

On motion, the Senate proceeded to other business.

SENATE CHAMBER, }  
May 6th, 1846. }

*EXECUTIVE SESSION.*

The following communications from His Excellency Governor, were read :

EXECUTIVE DEPARTMENT, }  
Austin, May 6th, 1846. }

*To the Senate :*

The Executive submits for the action of the Senate, the following nominations for Notaries Public :

James Robinson,	}	Fayette County.
Orockett Perry.		
Wm. H. Crutcher.		
Hiram Ferrill.		
C. C. Ballard,	>	La Vacca County.
Ennis Ury.	}	Cass County.
Wm. Lilly.		
Wm. Mahone.		
Stephen Peters.		
Moses Parks	>	Washington County.
B. W. Brown	}	Nacogdoches County.
Wm. J. Moore		
John Forbes		
Bennet Blake		
Wm. Frels	}	Colorado County.
Wm. A. Shepherd		
David M. Love	}	Brazos County.
Gideon Walker		
M. F. Richardson		
Stephen P. Hollingsworth	>	Rusk County.
Alex. Nevill	}	Titus county.
John G. Chambers		
B. Hill		
Isam Thompson	}	Wharton county.
C. G. Ward		
Geo. Fisher	>	Harris county.
James W. Parker	>	Houston county.

J. PINCKNEY HENDERSON



EXECUTIVE DEPARTMENT, }  
Austin, May 6th, 1846. }

*To the Senate :*

The Executive submits for the action of the Senate, the following nominations for Notaries Public.

R. L. Redding	>	Bastrop county.
James H. Selkirk	}	Matagorda county.
Wm. F. Oliver		
James McGloin	>	San Patricio county.
Peter Teal	}	Refugio county.
Edmond St. John		
Frederick Belden	}	Nueces county.
Geo. W. Fletcher		
Ira M. Freeman	}	Harrison County.
C. K. Andrews		
James A. Pugh	>	Panola county.
John M. Betsill	>	Upshur county.
Wm. Hunter	}	Calhoun county.
Thos. M. Duke		
James Wright	}	Victoria county.
James Ingram		
Wm. H. Huggins	}	Liberty county.
Meredith Duncan		
A. G. Vanpradelles		
Clark Beach		
Cullen C. Arnett	}	Tyler county.
R. R. Rateliff		
John A. Veatch		
Robert Hooker	}	Polk county.
W. J. Knight		
James W. Abby		
G. L. Martin		
Joseph Lee	>	Travis county.
James Nicholson	>	Bastrop county.
John Collins	}	Houston county.
Jacob Albright		
Wm. Jones	>	Anderson county.

Sam'l Beth	}	Austin county.
W. M. Lipscomb		
J. H. Catlin		
Frederick Ernst		
R. S. Blount	}	Matagorda county.
Dowen Thompson		
T. H. O. S. Addicks	}	Bexar county.
Doctr. Couples		
Doolay	>	Comal county.
James M. Love	}	Robertson county.
E. L. R. Wheelock		
Geo. W. Cox	>	Limestone county.
J. P. Rineheart	}	Leon county.
D. M. Brown		
Wm. H. Moores	}	Navarro county.
N. T. Byers		
Wm. H. Stewart	>	Gonzales county.
Joseph F. Johnson	>	Guadalupe county.
C. Cardwell	>	De Witt county.
W. Ryan	>	La Vacca county.
G. W. Rodgers	}	Walker county.
Josiah Merritt		
Isaac Toucy		
Uriah F. Case	>	Grimes county.
N. H. Davis	>	Montgomery county.
J. PINCKNEY HENDERSON.		

On motion, the nominations were unanimously confirmed.

N. B. I will not vouch for the correctness of this journal,  
I find no journal of this date—but only the Secretary's rough  
minutes.

N. C. RAYMOND.

SENATE CHAMBER, }  
May 7th, 1846. }

**EXECUTIVE SESSION.**

The following communication from His Excellency the Governor, was read,

EXECUTIVE DEPARTMENT, }  
May 4th, 1846. }

*To the Honorable Senate :*

The Executive submits for your confirmation the following nominations for Notaries Public.

For Galveston county	{ Elisha A. Rhodes. J. P. Nash. E. H. Winfield.
For San Augustine City	{ H. M. Kinsey.
For Jefferson county	{ Joseph W. Pulsipher. Isaac Garner. Niles F. Smith.
For Jasper county	{ William Allen. Jas. Delaney. John Hamilton. Benj. Richardson.
For Newton county	{ Robt. S. Williams. R. C. Ballance. Thos. McFarlane.
For Brazoria county	{ R. M. Forbes. Edward Purcell. Thos. G. Masterson. Wm. P. Austin.
For Fort Bend county	{ M. M. Battle.
For Leon county	{ Israel P. Rineheart.
For Jackson county	{ James Kerr.
For Victoria county	{ James Ingram.
For Lamar county	{ Austin B. Manion. Gec. W. Steli. H. D. Woodsworth. F. Morrison. John A. Rutherford.

For Rusk county	{ Isaac Ferguson. Hade Barnett. Madison Smith. Robert Westcott.
For Fannin county	{ Andrew Lyday. Sam'l Erwin. Sam'l McGowen. P. J. Pillans. Thomas Jouett. John D. Black.
For Grayson county	{ William Gorham. Holland Coffee. Jas. R. O'Neal.
For Collin county	{ Jno. C. M. Hodge. John Crigger.
For Denton County	{ Isam Davis.
For Dallas county	{ J. M. Bryant. Horace Burnham.
For Hopkins county	{ M. W. Matthews. Matthew Sims. Jas. E. Hopkins.
For Red River county	{ S. H. Morgan. Joseph Mather. John Monkhouse.

J. PINCKNEY HENDERSON.

On motion, the nominations were confirmed *in solido*, unanimously.

SENATE CHAMBER, }  
May 8th, 1846. }

*EXECUTIVE SESSION.*

The following communication from His Excellency the Governor, was read ;

EXECUTIVE DEPARTMENT; }  
Austin, May 8th, 1846. }

*To the Honorable Senate :*

The Executive submits for the action of the Senate, the following nominations :

For Judge of the 6th Judicial District, Wm. B. Ochiltree.

For board of Commissioners of Pilots, for the port of Pass Caballo.

Thomas Decrow,  
Augustus Storrs,  
Alexander Somerville,  
James W. Byrne,  
Thomas M. Duke.

J. PINCKNEY HENDERSON.

The nomination of Alexander Somerville was laid on the table, and the other nominations confirmed by the following vote :

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson, Grimes, Jewett, McKinney, McNeel, Miller, Navarro, Parker, Phillips, Robinson, Wallace, Williams and Williamson—16.

*Nays.* None.

The following communication from His Excellency the Governor, was read :

EXECUTIVE DEPARTMENT, }  
Austin, May 7th, 1846. }

*To the Honorable Senate :*

The Executive submits for the action of the Senate, the nomination of John W. Harris for Attorney General of the State.

J. PINCKNEY HENDERSON.

*Yeas and nays stood thus :*

*Yeas.* Senators, Bagby, Bourland, Brashear, Burleson,

Grimes, Jewett, McKinney, McNeel, Miller, Navarro, Parker,  
Phillips, Robinson, Wallace, Williams and Williamson—16.

*Nays.* None.

Confirmed.

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SENATE CHAMBER, }  
May 9th, 1846. }

*EXECUTIVE SESSION.*

The following communication from His Excellency the Governor, was read :

EXECUTIVE DEPARTMENT, }  
May 9th, 1846. }

*To the Senate :*

The Executive submits for the action of the Senate, the following nominations for Notaries Public :

Wm. R. Howe	}	For Navarro county.
Stephens R. Roberts	}	
L. Gilbert	}	
Wm. Love	}	For Washington county.
Elisha D. Little	}	
Wm. Lyons	}	For Harris county.
W. W. Hill	}	
H. Chrissman	}	For Burleson county.
W. D. Thomson	}	
Wm. Auckshire	}	For Milam county.
Alexander	}	
Thomas Betts	}	
Thomas W. Hoy	}	For Montgomery county.
John S. Besson	}	For Walker county.
John D. Pitts	}	
A. McWharter	}	For Grimes county.
W. B. Lofton	}	
Joseph Henington	}	
Wm. G. Lang	}	For Angelina county.

Wm. Roark	}	For Cherokee county.
Henry Elliot		
Nathaniel Killough		
Elisha E. Lott	}	For Smith county.
Wm. E. Duncan		
A. G Kimbell	}	For Henderson county.
T. Vivion		
Alfred Moore		
Jas. M. Noble		
Wm. P. Wyche	}	For Sabine county.
FMWeatherred Jr.		
D. D. Culp	}	For Harris county.
U. B. Wakeman		
John W. Fogg		
John Carson		
Ira Munson	>	For Travis county.
N. C. Raymond	>	For Burleson county.
E. H. Mitchell	>	For Brazos county.
T. D. Tompkins	}	For Houston county.
S. C. Kennedy		
J. PINCKNEY HENDERSON.		

On motion, the nominations were unanimously confirmed.

N. B. I will not vouch for the correctness of this journal as I find no journal of this date—but only the Secretary's rough minutes.

N. C. RAYMOND.

SENATE CHAMBER, }  
May 11th, 1846. }

*EXECUTIVE SESSION.*

Roll called and a quorum present.

Journals of the previous session read and adopted.

The following communication from His Excellency the Governor, was read :

EXECUTIVE DEPARTMENT, }  
Austin, May 11th, 1846. }

*To the Honorable Senate:*

The Executive submits for the action of the Senate the following nominations for Notaries Public :

Jas. F. Echols	}	For Shelby county.
Green Dial		
G. H. Moore		

J. PINCKNEY HENDERSON.

On motion, the nominations were unanimously confirmed.